Doc. 48

STIPULATION AND PROPOSED ORDER

WHEREAS Plaintiffs' Complaint herein, filed October 15, 2014 for declaratory and injunctive relief, alleges that pursuant to the federal Clean Air Act, Defendant United States Environmental Protection Agency ("EPA") was required to make a finding by June 30, 2012, that, *inter alia*, the San Joaquin Valley failed to timely attain the 1997 National Ambient Air Quality Standard for fine particulate matter ("1997 PM2.5 NAAQS"). The Complaint further alleges that EPA failed to make a finding of nonattainment with respect to the San Joaquin Valley and to reclassify the San Joaquin Valley as a Serious nonattainment area pursuant to 42 U.S.C. § 7513(b)(2) (subpart 4).

WHEREAS on November 26, 2014, the San Joaquin Valley Unified Air Pollution Control District filed a Motion to Intervene in this action, which Motion was granted by this Court on January 21, 2015.

WHEREAS on March 27, 2015, EPA took final action to reclassify the San Joaquin Valley as a Serious nonattainment area for the 1997 PM2.5 NAAQS. *See* Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Nonattainment for the 1997 PM2.5 Standards, *Final Rule*, 80 Fed. Reg. 18528 (Apr. 7, 2015).

WHEREAS based upon EPA's March 27, 2015 final action, Plaintiffs no longer intend to pursue their claim against EPA with respect to the San Joaquin Valley for failure to making a finding of nonattainment of the 1997 PM2.5 NAAQS and failure to reclassify the San Joaquin Valley as a Serious nonattainment area.

THEREFORE, IT IS HEREBY STIPULATED by and between each of the parties to this action through their designated counsel that Plaintiffs' claim against EPA with respect to the San Joaquin Valley for failure to making a finding of nonattainment of the 1997 PM2.5 NAAQS and failure to reclassify the San Joaquin Valley as a Serious nonattainment area shall be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

IT IS FURTHER STIPULATED THAT Defendant-Intervenor San Joaquin Valley

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1	Unified Air Pollution Control District shall be dismissed without prejudice from the action		
2	pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).		
3		Respectfully Submitted,	
4			
5	Date: April 14, 2016	/s/ Elizabeth B. Forsyth	
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13			
14		/s/ Leslie M. Hill	
15			
16		LESLIE M. HILL (D.C. Bar No. 476008) U.S. Department of Justice	
17		Environment & Natural Resources Division	
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Stipulation and Proposed Order of Dismissal Without Prejudice of Party-Intervenor San Joaquin Valley Unified Air Pollution Control District Case No. 3:14-cv-04596-EMC

/s/ Annette A. Ballatore-Williamson

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Stipulation and Proposed Order of Dismissal Without Prejudice of Party-Intervenor San Joaquin Valley Unified Air Pollution Control District Case No. 3:14-cv-04596-EMC

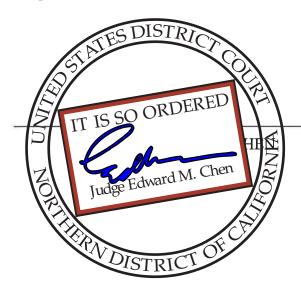
[PROPOSED] ORDER

Pursuant to the Parties' stipulation, Plaintiffs' claim against EPA with respect to the San Joaquin Valley for failure to making a finding of nonattainment of the 1997 PM2.5 NAAQS and failure to reclassify the San Joaquin Valley as a Serious nonattainment area is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

Defendant-Intervenor San Joaquin Valley Unified Air Pollution Control District is dismissed without prejudice from the action, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

IT IS SO ORDERED.

Dated: April 19, 2016



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Stipulation and Proposed Order of Dismissal Without Prejudice of Party-Intervenor San Joaquin Valley Unified Air Pollution Control District Case No. 3:14-cv-04596-EMC